

## **EXHIBIT 14**

### **Declaration of Jennifer Given**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN )  
RICHMAN, JOHN DUBE and JOCEYLN MERRILL, )  
teachers in the New Hampshire Public Schools, and )  
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN )  
DURDEN, parents or guardians of children in the New )  
Hampshire public schools. )

Plaintiffs, )

v. )

FRANK EDELBLUT, in his Official Capacity as )  
Commissioner of the DEPARTMENT OF EDUCATION )  
("DOE"), CHRISTIAN KIM in his Official Capacity as the )  
Chair of the NEW HAMPSHIRE COMMISSION ON )  
HUMAN RIGHTS, and JOHN FOMELLA in his Official )  
Capacity as ATTORNEY GENERAL of the State of New )  
Hampshire. )

Defendants. )

----- ) Civil No. 1:21-cv-01077-PB

ANDRES MEJIA, )  
CHRISTINA KIM PHILIBOTTE, and )  
NATIONAL EDUCATION ASSOCIATION-NEW )  
HAMPSHIRE, )

Plaintiffs, )

v. )

FRANK EDELBLUT, in his official capacity only as the )  
Commissioner of the New Hampshire Department of )  
Education, )

JOHN M. FORMELLA, in his official capacity only as the )  
Attorney General of the State of New Hampshire, )

AHNI MALACHI, in her official capacity only as the )  
Executive Director of the New Hampshire Commission for )  
Human Rights, )

CHRISTIAN KIM, in his official capacity )  
only as the Chair of the New Hampshire Commission for )  
Human Rights, )

KEN MERRIFIELD, in his official capacity only as the )  
Commissioner of the Department of Labor, )

Defendants. )

**DECLARATION OF JENNIFER GIVEN**

I, Jennifer Given, pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. I live in Hillsborough County, New Hampshire.

2. Until the end of the 2022 school year, I was a high school social studies teacher at the Hollis/Brookline High School in Hollis, New Hampshire. I taught AP World History, United States History and World History. I was a teacher for 19 years.

3. I am certified by the State Board of Education, and thus, am subject to the “Educator Code of Conduct” (N.H. Admin. Code R. Ed. 510-512) that is now embedded within N.H. Rev. Stat. Ann. (“RSA”) 193:40 (hereinafter, the “Banned Concepts Act” or the “Act”). *See RSA 193:40, V.*

4. I am offering this Declaration in my individual capacity and not on behalf of any school district that I worked for or my current employer.

5. When I was teaching, I was directly impacted and harmed by the Banned Concepts Act. In fact, I have left teaching out of frustration because of the frustrating conditions that public school teachers are subjected to, like the Banned Concepts Act.

6. While I was still teaching, even though I may not have been violating the Act, I had to change my teaching methods significantly out of fear that I would be accused of doing so. The Act’s language is so vague that it led to constant confusion with students and parents. It is my belief that my students’ learning suffered because of this, and I found it so ethically troubling that I had to leave the classroom.

7. For example, I went from using assessments such as essay questions and open-ended short answer questions to using only multiple-choice assessments. I taught units on various political movements and historical figures as part of the World History curriculum. My concern was that essay questions or short answer prompts would be misinterpreted as students believing that they had to agree with a certain position to score well on the assessment. Of course, how they scored on the test had nothing to do with whether they agreed with a certain position, only whether their response was analytically sound and historically accurate. However, this nuance was lost on many students, and it became too fraught to offer these kinds of opportunities for learning and I switched to more controlled multiple-choice tests.

8. I significantly reduced open discussion and debate of ideas in my classroom out of fear that these discussions would be misinterpreted as teaching or inculcating one of the opinions or concept the students were arguing about. For example, our World History units cover Marxism, Stalinism, Naziism and other dictatorship regimes. Instead of allowing students to analyze and critique these dictatorships, I lectured on the topic instead. It seemed to me that an open discussion

where students may offer their own personal support for Marxism or Communist ideas, or even Nazi ideas, was too fraught regardless of the tremendous amount students can learn while hearing their peers exhibit critical thinking skills.

9. Another example is that I began offering guided notes for lessons. These are essentially fill-in the blank notes to assist students with notetaking. I made this change because I was concerned that students would misinterpret a historical example or political idea from history as my own and I wanted to make sure it was clear what I was “teaching.” However, guided notes are not the best preparation for college-level courses or the best way for students to learn or retain information.

10. Often, I felt as though I could not accurately answer students’ questions because I did not feel comfortable making any commentary other than simply the historical context and facts relevant to their inquiry. For example, in our unit about dictatorships, if a student asked whether I saw any comparisons to current United States leaders or policies, I had to ignore the question or creatively deflect rather than engage in a robust discussion with students about current events.

11. I disallowed students from picking their own topics for research papers for fear the topics chosen by students might lead to discussions in class that would violate the Act. Instead, I chose the topics and assigned them unilaterally, so they were less “controversial.” Unfortunately, this also meant they were not as interesting or relevant for students. I saw a decline in student interest and participation when they could not work on topics they wanted to know more about.

12. A widely understood best practice in teaching is analogizing material to students’ own experiences and interests so that they can identify material and relate it to their own lives. This is particularly important in social studies curriculums and historical courses where students can easily believe historical events only happened in the past and not readily see the relevancy to the current time. However, because of the Act I severely limited my use of this technique even though my class was replete with events from the past which have relevant analogies in the present that would have helped the students understand these events. I limited class discussion where students could raise their own experiences or make connections to current events for fear that those discussions could lead to a complaint being filed against me with the Department of Education and that my license, and therefore my livelihood, pension and health insurance could be put into jeopardy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of June, 2023

*/s/ Jennifer Given*  
Jennifer Given